

NOTICE OF OBJECTION TO CONFIRMATION

WELLS FARGO BANK, N.A. has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054

MARIE-ANN GREENBERG, Trustee  
30 TWO BRIDGES ROAD, SUITE 330  
FAIRFIELD, NJ 07004

Attend the hearing scheduled to be held on 07/25/2018 in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: July 16, 2018

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: nicholas.rogers@phelanhallinan.com

**File No. 811788**

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road  
Mt. Laurel, NJ 08054  
856-813-5500  
FAX Number 856-813-5501  
WELLS FARGO BANK, N.A.

In Re:  
WILLIE J. CHEATHAM

Debtor

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 17-28308 - SLM

Hearing Date: 07/25/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, WELLS FARGO BANK, N.A., the holder of a Mortgage on debtor's residence located at 1172 KATHERINE STREET, TEANECK, NJ 07666 hereby objects to the Confirmation of the debtor's proposed Chapter 13 Modified Plan on the following grounds:

1. Secured Creditor is WELLS FARGO BANK, N.A.
2. Debtor, WILLIE J. CHEATHAM is the owner of the property located at 1172 KATHERINE STREET, TEANECK, NJ 07666.
3. On October 19, 2017, Secured Creditor filed a Proof of Claim listing pre-petition arrears in the amount of \$105,558.58.
4. Debtor's Modified Plan currently provides for payment to Secured Creditor in the amount of \$105,558.58 to be satisfied through a Loan Modification by January 1, 2019.
5. Debtor's Modified Plan provides for the Debtor's pursuit of a loan modification. Debtor's Modified Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
6. Debtor's Modified Plan appears to provide for entry into the Court's Loss Mitigation Program and the accompanying adequate protection payments. Secured Creditor objects to adequate protection payments and requires full post-petition mortgage payments of

\$1,303.19 be made by the Debtors while they pursue a loan modification. Debtor's failure to provide full post-petition mortgage payments will only increase the arrears owed to Secured Creditor. Accordingly, confirmation of Debtor's proposed Plan should be denied.

.

WHEREFORE, WELLS FARGO BANK, N.A. respectfully requests that the Confirmation of Debtor's Modified Plan be denied.

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: [nicholas.rogers@phelanhallinan.com](mailto:nicholas.rogers@phelanhallinan.com)

Dated: July 16, 2018

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

811788  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
856-813-5500  
Attorneys for WELLS FARGO BANK, N.A.

In Re:

WILLIE J. CHEATHAM

Case No: 17-28308 - SLM

Hearing Date: 07/25/2018

Judge: STACEY L. MEISEL

Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, Shannon N. Ettl:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents WELLS FARGO BANK, N.A. in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On July 16, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: July 16, 2018

/s/ Shannon N. Ettl  
Shannon N. Ettl

| Name and Address of Party Served   | Relationship of Party to the Case | Mode of Service   |
|--|-----------------------------------|---|
| WILLIE J. CHEATHAM<br>1172 KATHERINE STREET<br>TEANECK, NJ 07666                             | Debtor                            | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *)            |
| WILLIE J. CHEATHAM<br>723 BLOOMFIELD AVENUE<br>CLIFTON, NJ 07012                             | Debtor                            | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *)            |
| RUSSELL L. LOW, ESQUIRE<br>505 MAIN STREET<br>SUITE 304<br>HACKENSACK, NJ 07601              | Debtor's Attorney                 | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *) |
| MARIE-ANN GREENBERG,<br>TRUSTEE<br>30 TWO BRIDGES ROAD<br>SUITE 330<br>FAIRFIELD, NJ 07004   | Trustee                           | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular Mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *) |
| U.S. TRUSTEE<br>US DEPT OF JUSTICE<br>OFFICE OF THE US TRUSTEE<br>ONE NEWARK CENTER STE 2100 | U.S. Trustee                      | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular Mail   |

|                  |  |  |
|------------------|--|--|
| NEWARK, NJ 07102 |  | <input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *) |
|------------------|--|--|

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.